



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Christopher H. Porter

Examiner : Aamer S. Ahmed
Art Unit: 3763

Applic.: 10/821,383

Filed: 04/09/2004

For: PERCUTANEOUSLY IMPLANTABLE
MEDICAL DEVICE CONFIGURED TO
PROMOTE TISSUE INGROWTH

Commissioner for Patents
Alexandria, VA 22313-1450

AMENDMENT

The Office Action dated 08/25/2005 has been carefully considered. It is noted that the Office Action asserts that the "application contains claims directed to the following patentably distinct species..."

Group A: Figures 1, 2, 3 and 8

Group B: Figures 4 and 5

Group C: Figure 6

Group D: Figure 7

Group E: Figures 9A, 9B, 9C and 9D

Group F: Figure 10

Group G: Figure 11

Group H: Figures 12 and 13

Accordingly, the Office Action requires applicant to elect a single disclosed species and to list the claims readable thereon.

In reply, it is courteously urged that the election of species requirement has been applied inappropriately in this case and, as a consequence, reconsideration and withdrawal of the requirement is respectfully requested. Nevertheless, in order to comply with the requirement, applicant elects Group B (Figures 4, 5), with traverse. Claims 1-9 and 13-21 read on Figures 4 and 5.

1 Group B refers to Figures 4 and 5 which illustrate the configuration of a percutaneous
2 stud in accordance with the invention for promoting tissue ingrowth to create an infection
3 resistant barrier and provide effective device anchoring.

4 It is respectfully submitted that the Office Action characterization of multiple species
5 (i.e., Groups A-H) is incorrect and reconsideration is requested. For example, Figures 1-3 do
6 not depict a specie of the invention but rather illustrate conventional devices which can
7 advantageously utilize the present invention. Figures 4 and 5 schematically illustrate a basic
8 embodiment of the invention and Figure 8 shows this embodiment in use extending
9 percutaneously through a patient's skin. Figure 6 shows the porous layers of Figures 4 and 5
10 in greater detail. Figure 7 shows the addition of a healing substance to the basic
11 embodiment of Figures 4 and 5. Figures 9A, 9B, 9C, 9D, show the addition of transitional
12 layers 92 to the basic embodiment of Figures 4 and 5. Figures 10 and 11 depict exemplary
13 applications of the basic embodiment. Figures 12 and 13 show a preferred structural
14 configuration of the basic embodiment schematically depicted in Figures 4 and 5.

15 Applicant's independent claims 1 and 16 are generic to all of the embodiments
16 depicted in Figures 4-13.

17 Favorable reconsideration is courteously requested.

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19 Respectfully submitted,

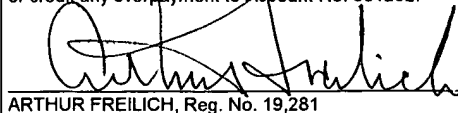
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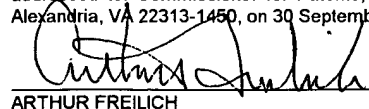
28 **DEPOSIT ACCOUNT AUTHORIZATION:**

Throughout the prosecution of this application the Patent and Trademark Office is authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 501232.


ARTHUR FREILICH, Reg. No. 19,281

CERTIFICATION OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop: Non Fee Amendment, Alexandria, VA 22313-1450, on 30 September 2005.


ARTHUR FREILICH